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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,041	10/02/2001	Bobby R. Bramlett	27170/02	8688

7590 06/02/2003

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EXAMINER

DANG, HOANG C

ART UNIT PAPER NUMBER

3672

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s)

09/970,041

Applicant(s)

BRAMLETT ET AL.

Examiner

Hoang Dang

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-104 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-39 are objected to because of the following informalities: In claims 1, 7, 15, 23, 31 and 68, the recitation of "at least one of the surface card or the downhole card" should be --at least one of the surface card and the downhole card--, respectively. Similarly, in claims 7, 15, 23 and 31, the phrase "at least one of the surface card or the downhole card or operating characteristic" should be --at least one of the surface card, downhole card and operating characteristic--, respectively. In claims 69, 78, 86 and 102, the phrase "to and alters" should be --to alter--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-39, 41-47, 49-55, 57-61, 63-67, 74-80 and 82-104 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following expressions have no proper antecedent basis: "the surface card" (claim 1, line 9; claim 7, line 6; claim 15, line 9; claim 23, line 9; claim 31, line 8; claim 39, line 13); "the downhole card" (claim 1, line 10; claim 7, line 7; claim 15, line 10; claim 23, line 10; claim 31, line 9; claim 39, line 14); "in near real time" (claim 5, line 2; claim 6, line 1); "the operating characteristic" (claim 89, lines 7-8; claim 97, lines 6-7).

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Claims 41-47, 49-55, 57-61, 63-67, 74-80, 82-88, 90-96 and 98-104 are indefinite since their dependency is mixed up.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-104 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Vazquez et al (US 6,343,656) (see figures 2-3; column 2, lines 53-65; column 3, lines 36-43; column 4, line 49 through column 5, line 33; column 5, lines 34-45; column 6, lines 33; and column 7, lines 30-47).

As further for claims 2, 12, 20, 28, 36, 45, 53, 59, 65, 69, 78, 86, 94 and 102, see Figure 3, column 5, lines 29-33 and 34-45; column 7, lines 1-6 and column 10, lines 33-37 for examples.

As further for claims 5, 6, 8-11, 16-19, 24-27, 32-35, 41-44, 49-52, 57, 58, 63, 64, 70-72, 74-77, 82-85, 90-93 and 98-101, see column 5, lines 3-7 and column 10, lines 27-31 for examples.

As further for claims 3, 4, 13, 21, 29, 37, 40, 46, 48, 54, 56, 60, 62, 66, 68, 73, 79, 81, 87, 89, 95, 97 and 103, see Figures 2 and 3 and column 3, lines 36-39; column 5, lines 13-18 and column 6, lines 20-33 for examples.

***Specification***

6. The disclosure is objected to because of the following informalities: The brief description of Figure 6 is missing. Page 30, line 4, "f" should be deleted. Page 35, line 11, "examples" is misspelled. Page 36, lines 18-19, "are generated/updated" should be deleted..

Appropriate correction is required.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 703-308-2149. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 703-308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

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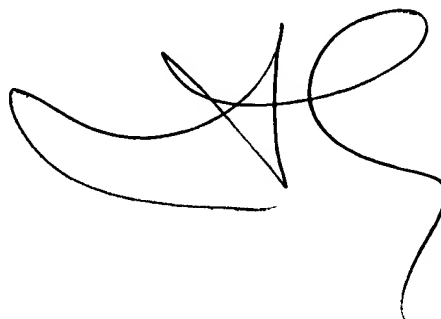
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

**Hoang Dang**  
**Primary Examiner**  
**Art Unit 3672**

09970041.1rej  
May 27, 2003

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned below the printed name and title.